

N^o 12

The Judge's Authority
O R
CONSTITUTION:
A
SERMON

Preached in the Cathedral Church of *S^t. Peter* in
York, upon Monday the 7th day of *March* 16⁶⁹₇₀,
at the Assizes holden for that County
before the Right Honourable
Baron *Littleton*;

The Right Worshipfull *S^t. Philip Monckton* Knight
being High-Sheriff of *Yorkshire*.

By *James Johnson* Bachelour in Divinity, and Fellow
of *Sidney-Sussex Colledge* in *Cambridge*.

Credant qui volunt, malle me legendo, quam legenda distando,
laborare. S. Aug. de Trinit. l. 3. in Procem.

C A M B R I D G E,

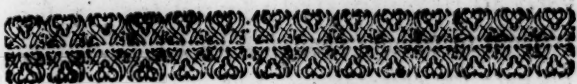
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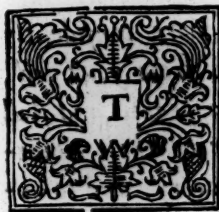
OF THE





TO THE
Highly and worthily Honoured
S^r PHILIP MONCKTON
Knight, High Sheriff of
YORKSHIRE.

HONOURED SIR,



O make a trivial Apology for publishing the following Sermons, would be as idle, as themselves in this scribling age to some may seem superfluous. Those usual reasons of friends intreaties, and desired Copies might be as justly alleadged by me, as they are commonly by others; but these cannot so far prevail, as your commands, no longer now to be disputed, much less denied.

Sir, Your word carries Authority with it not
A 2 *only*

The Epistle Dedicatory.

only ad prælium, sed ad prælum, in submission to which (though I exchange charitable ears for critical eyes) I rather choose to expose my self to the censure of others, then become guilty of any disrespectts to your self.

Mihi nunquā
placuit cuiquā
illustri viro,
& tantā, quan-
tā es ipse sub-
limitate con-
spicuo, præ-
ferim non
ociosā digni-
tate jam fru-
enti, sed ad-
huc publicis
negotiis, eis-
demq; milita-
ribus occupa-
to, aliquid
meorum opus-
culorum le-
gendum im-
pingere, &c.
S. Aug. de civ.
& concupis. ad
Valerium l. 1.
c. 2.

And though the meanness of these discourses may a little impeach the judgement of you the Approver, and not a little shew the inabilities of me the Composer, yet they presume to present themselves, being not onely ennobled by your repeated commands, but emboldned by your readines to receive them into that Patronage and protection, they cannot more confidently implore, or better expect then from your self, who have lately so eminently appeared, and still make it your business to dethrone those Epidemical and reigning sins they decry, and to uphold the forsaken Justice they plead for and maintain. Whilst others enjoy their places for private advantage, you freely conferring your Offices, make use of yours for the Common good, in laying down whereof, you may avow as Nerva (in a case not much unlike) did, se nihil fecisse, quò minùs possit, impe-
rio

The Epistle Dedicatory.

rio deposito, privatus tutò vivere, *with so much integrity have you demeaned your self in your place, holding on (like a Cato or Fabricius) in the course of Justice, notwithstanding all the difficulties did occur.*

Maeste ergò sis virtute tuâ, præstantissime Philippe, *never to find what another good Philip of the last Age, to his great grief^a did, any thing too hard for you, but continue so prosperous a Patriot in your countrey, that no^b Empson or Dudley may be able to stand before you, and that by the faithfull discharge of those great Trusts reposed in you, you may if possibly exceed the renown of your noble^c Ancestours.*

And as from his late Majesty of glorious memory, you had the^d sword of Honour, as an Ensign or Trophy of your valour, ^eearly brandished over your undaunted head, so have you by his present Majesty this addition, viz. ^fboth swords Civil and Military, put into your hands, as a farther marke of his Royal Grace and Favour, for your former Loyalty, and signal Services.

^a Old Adam too hard for young Melancthon.

^b Two night-sprung mushrooms that

sucked the earths fatness from far better plants than

themselves, growing up in Hen, the 7th

time, and cut down by Hen. the 8th.

^c Speed, P. 762, 766. ^d St Philip, and

St Francis, Grand-father, and Father, &

the present St Philip, all sequestred

Knights in one house at the same

time. ^e Knighted at Newcastle for

eminent service done against the

Scots, 1644. ^f Togâ Academicâ reliâ Miles evasit.

^g Philippi ex introque.

The Epistle Dedicatory.

^b --- *Vejanus*

ermit

Herculis

ad postem fixis

lapis abditus

Agro. Horat.

And though you may now with ^b *Vejanus*, justly hang up your armour, and betake yourself to rest, *Tanquam miles emeritus*, yet to the joy of your Countrey, are you still employed to serve your King and them, doing worthily in Ephratah, and being famous in Bethlehem.

Sir, to enumerate particulars were more fit for a Volume than an Epistle, yet should my pages swell in that kind, I need not fear the imputation of the Delphick Oracle, in the case of your name-sake of Macedon, *nimis Φιλιππιζεν*, for all is so well known in your own County, the very mention of your Name is enough to bring them to remembrance; amongst which the grand and publick affair (fit onely for so publick a spirit as your own) now in hand deserves not the least commendation.

^c *Exo. 32.20.*

^d *On Perkins*

Warbeck (who

following the

steps of *Lam-*

bert Symmel)

was another

cheat, that

then also abu-

sed the peo-

ple.

Be not dismayed, Great S^r, if a Golden Calf be not so soon broken, or burned, as once it was. New upstart Idols (as our Henry the seventh upon another ^d occasion said) were always God Almighty's vexation; and so are they his people's too: but yet when Zeal and

power

The Epistle Dedicatory.

power unite against them, they cannot long be
 idolized. A Golden Eagle was once observed ^{L^d Verul. in}
 to fall down at the approach of a Noble Phi- ^{vit. Hen. 7.}
 lip, and still Magna est veritas, & præva-
 lebit: which that it speedily may, I with the
 joynt suffrages of innumerable more (both in-
 jured and others) of our Countrey men, do
 congratulate its valorous Champion, and cor- ^{Μεγίστην δυν}
 dially wish an event proportionable to the me- ^{αμνησιν}
 rits of your Cause, and an issue as successfull ^{ρεσ, & ν}
 as your designs are just and honourable: so ^{νικη.}
 prays he whose ambition is to be ^{Ignat. Epist.}
^{ad Polyc.}

Sid. Suff. Coll.

Camb. Octob. 20.

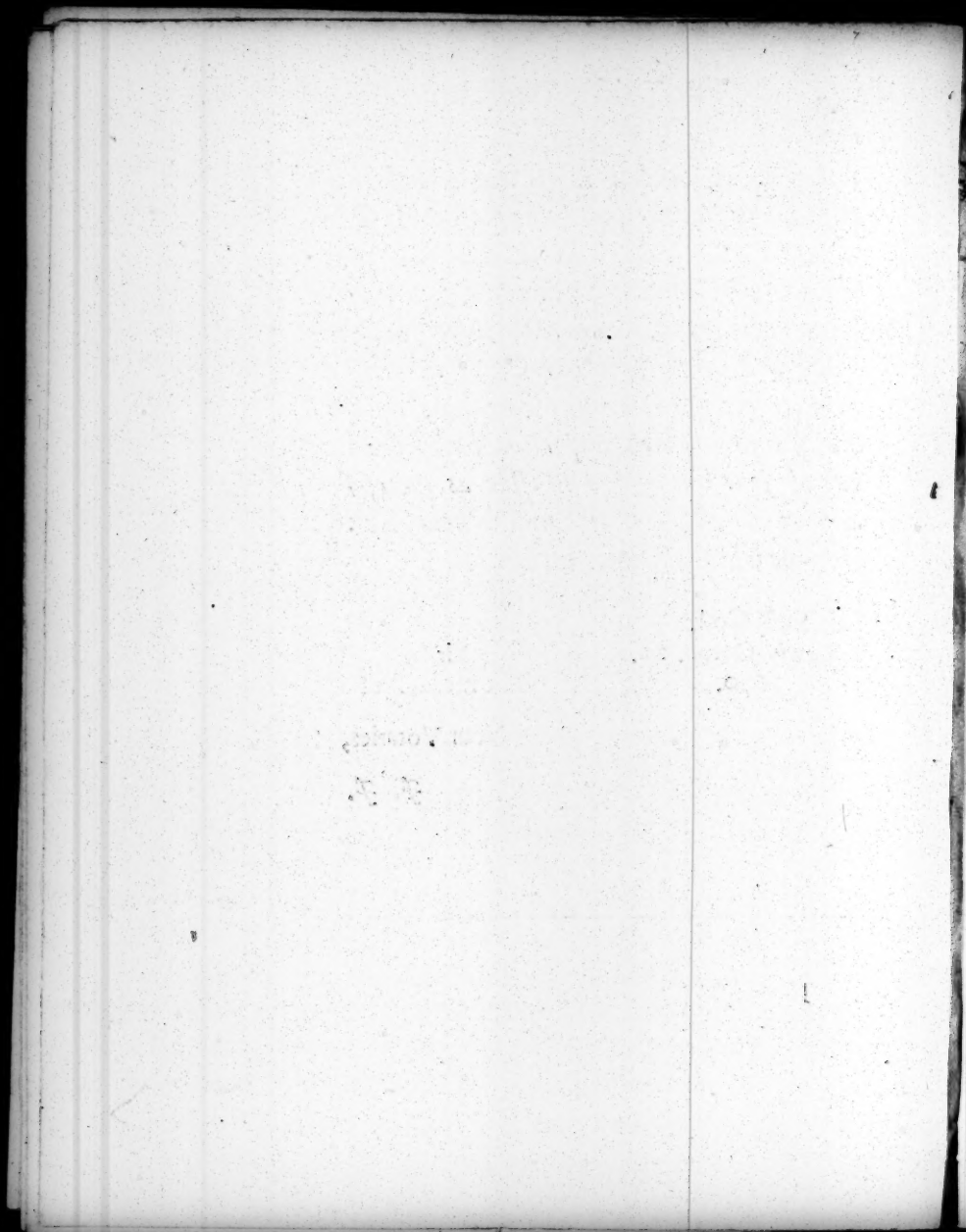
1670.

Sir

The meanest of

Your Votaries,

ƒ. ƒ.





Deut. 16. 18, 19.

Judges and Officers shalt thou make thee in all thy gates which the Lord thy God giveth thee throughout thy tribes, and they shall judge the people with just judgement.

Thou shalt not wrest judgement, thou shalt not respect persons, neither take a gift; for a gift doth blind the eyes of the wise, and and pervert the words of the righteous.



I were to be wished, that the dictates of *reason* and *religion*, that the rules of *justice* and *equity*, that the laws of *Christianity* and *piety*, were so generally entertained, and cordially embraced, that the voice of *oppression* and *injustice*, of *deceit* and *wickedness*, of *fraud* and *violence*, were not so much as heard amongst us; then would *primitive* innocency, and *neglected* justice (that divine *Astraea* that hath left the earth so long) return, and once more take place amongst us; then would the world become

B

as

as a garden of *Eden*, no forbidden fruit of what belongs not to us, would then be *touched*, nor would there be any serpent there, to *envy* at, or *tempt* us from our happiness: then might every one with no less *satiety* than *content*, eat the fruit of his own vine, and sit under his own fig-tree; then would each man's possession by a secure and peaceable enjoyment thereof be doubly blessed unto him. *The Wolf might then* (as the Prophet *Isaiah* speaks) dwell with the Lamb, & the Leopard lie down with the Kid, and the Calf, and the young Lion, and the farling together, they should not hurt, nor destroy in all God's holy mountain. But whilst in stead of this divine and evangelical, this calm and serene, meek and innocent temper, men (if so they may be called that cast off all reason and religion, and abandon natural justice and equity) become brutish and savage, inhumane and ravenous, the garden of *Eden* is turned into a wilderness, and men become serpents to each other; or as the same Prophet expresses it, the wild beasts of the desert meet with the wild beasts of the island, satyres and vultures, tygers and dragons, viz. men of cruelty and barbarity, of brutish and unnatural dispositions become possessours of it.

Βλέπετε τὸς
κυνίας τὸς ὄφεις
αἱ, τὸς ὄφεις,
τὸς σαρκενῶν,
τὰ φίλιδρα.

Ἰερ. κόντια, τ' ἑ ἀσπίδας, τὸς βασιλίσκους, τὸς σκορπίους, ἔτσι γὰρ εἰσι θῶες ἀλλοιωτοί,
αἱ θρωπύμιοι πθηκοί, Ignat. Epist. ad Antioch. si sit Ignat.

And now man that is by nature *ἕως πολιτὴν*, (as the *Philosopher* terms him) a gentle and sociable creature, made for converse & society, becomes degenerate, and overthrows those very foundations that

that should uphold it: they that should be *helps* and *supporters*, become *supplanters* and *underminers* of each other: instead of *Homo homini Deus*, it is *Homo homini Lupus*, and men live together, as though they were made to *bite* and *devour*, to *ruine* and *destroy* one another. And as being impatient of all restraint and controule, the excentrick and irregular passions of such degenerate minds become so furious and headstrong, as that which was intended for their restraint, does but irritate, and stir them up, and make them oftentimes the more outrageous, like the troubled sea (to which such like men are by the *Prophet* compared) they are continually casting forth mire and dirt; and as the waves thereof contemne all bounds, and in anger foam, and clash, and break themselves against the rocks that keep them in, so these mens restless and raging passions overflow all banks that should bound them, and in contempt spit defiance in the face of laws, and lawgivers. And now when mens passions become as *wild* and *boundless*, as they are otherwise *lawless* and *unaccountable*, 'tis time for the law to take courage to it self, and double its strength to chastise the boldness of such offenders. 'tis but equal that that against which they offend, should become the instrument of their punishment. Thus by reason of offenders, laws and the execution of them become as *necessary*, as they would otherwise be *useless*, and the Magistrates power to preserve every one in his right, and defend him from the violence of another, is as *requisite* as the prostitution

Εἰς τὸν κόπον
ἐρεοῖ, ὃ δὲ συν-
ῆλθεν, λυομένη-
τις, λαθε-
σκήσῃ, ὅς
ἐν ἁγίοις
Χρὶς Ἰγνα-
Επιστ. ad
Ephesios.

—magnoq; in a-
rum fluctuat
aëre, Virg.

tution of laws to every extravagant and unbridled humour would be intolerably *pernicious* and *mischievous* ; to prevent the sad consequences, and insufferable enormities whereof, *Judges* and overseers of the law are constituted and appointed for the safety and security of those that live under its protection; that there may be a due and right administration of justice, and that the people may be judged *with just judgement*, without *wresting*, or *distorting* that which is the common rule of every one's right ; without *favouring* or *respecting* any persons, upon whom the law looks with an equal and impartial eye ; without *selling*, or *taking gifts* for that which the law freely dispenses and imparts to all. This is the *end* and *design* of the law ; this is the *duty* and *employment* of Judges and Officers of Justice ; this is the *work* and *business* of this time ; and this accordingly is the *injunction* and *command* of *Moses* here in his charge to, or concerning the Judges. *Judges and Officers shalt thou make thee in all thy gates, which the Lord thy God giveth thee, and they shall judge the people with just judgement, &c.*

In which words here is

1. *Judicium institutio*, the Judge's authority, or constitution, *Judges and Officers shalt thou make thee.*
2. *Judicii executio*, the Judge's Office and employment, *viz.* the execution of Justice, *they shall judge the people.*

3. *Fu-*

3. *Judicandi modus*, the manner how that execution of Justice is to be performed,

1. Positively, with just judgement.

- | | | |
|---------------|---|---|
| 2. Negatively | { | 1. Without perverting of equity, <i>Thou shalt not wrest judgement.</i> |
| | | 2. Without partiality, <i>Thou shalt not respect persons.</i> |
| | | 3. Without bribery, <i>Thou shalt not take a gift;</i> |

And that enforced by a twofold reason,

First, because it blinds the eyes of the wise;

And *secondly*, as a consequent of that, because it perverts the words (or, as some read it the matters) of the righteous.

The Charge consists of many parts, each of which might be directed to the several persons concerned in the administration of Justice.

To the *Head* and *Chief* of which, that sits in *Moses's* chair to hear and determine, judge and pass sentence, to *him* that gives a charge to others, in the first place is a Charge given, *Thou shalt judge the people with just judgement.*

To *him* that prepares and makes ready the cause for the Judge's hearing, the *Advocate* or *Pleader* to whose care and trust the state and suit of the *Clients* is committed, when he speaks in a cause, there's a caveat for him, *Thou shalt not wrest judgement.*

To *him* that's returned to serve as a *sworn* man or *Furor*, in matters of grand or petty inquest; or that is in any office of trust, or place of service in, or about the *Courts*, so as it may come within the verge

verge of his power to do a suitor a courtesie, or displeasure, is the next injunction, *Thou shalt not respect persons.*

Lastly, to him that's bound over to prosecute for the King in a criminal cause; or that offers himself as a voluntary informer upon some penal statute, or is brought in by process to give publick testimony upon *Oath*; or comes of good or ill will to speak a good word for, or a contrary one against any person, is the last prohibition, *Take not a gift*; when he opens his mouth to give witness, he must not open his hand to receive a gift, for a gift doth pervert the words of the righteous.

But because the several corruptions of justice do often unite in the same persons, and as the *Philosopher* observes of moral virtues are concatenated and linked together in the same subject, that the same men *Proteus*-like put on several shapes, that they rather endeavour an engrossing of all abuses, than a monopoly of any particular one to themselves, and that by such a complication of them, they (as Saint *James* speaks in another case) in many things offend all, I shall not be so injurious to the words, as to imprison them in such narrow limits, and confine that to some sort of persons, to which mens general practises have unhappily given a greater extent and latitude.

The first thing that presents it self to our view, is the Judge's authority or constitution, *Judges and Officers shall thou make thee.* Moses in the precedent verses had given charge concerning religi-

ons

*A prima hujus
versus disto-
ne quintam
hujus libri se-
ctionem incipi-
unt Hebraei,
quam vocant
שופטים
Matat. in l.*

ous matters, he now descends to civil affairs; as before he had taken care for the establishment of piety towards God, so here he endeavours the promotion of justice towards men: the affairs both of Church and State fall under the Magistrate's care and inspection, he is *custos utrinque tabulae*; both the Tables of the Law were given Moses to be kept, and though he once in anger broke them, yet now in zeal he takes care for restoring and preserving of them. What he here gives in charge & command to others, was the discharging of that which himself undertook, like *Gideon* to his followers, or *Cesar* to his souldiers, he bids them do no more, than what he had done before them. At first indeed he judged the people by himself, but their contentions growing as numerous as their persons, and their strifes as endless, as they were unreasonable, that soon became a burden too heavy for his shoulders alone, *ch. 1. 12. How can I myself alone bear your cumbrance, and your burden, and your strife?* and therefore following *Feithro* his father in law's advice, he chooses out among the people able men to perform that task with him, that they might judge of the smaller matters, whilst onely the harder causes were brought unto him; and what he then commanded, he again at this second promulgation of the law charges upon them, thereby perpetuating his care to successive generations, whom he appoints to make *Judges and Officers over them.*

By these two names, *Judges and Officers*, some think the same persons to be meant, so à *Lapide*,
Judices:

Judices & Magistratus constitues, i. e. præfectos, puta viros sapientes qui quasi Magistri & Magistratus præfint juri dicendo, iidem ergo sunt Judices & Magistratus. The words indeed שפטים & שרים here used, are often placed together, and so by some taken for *synonymous* terms; but Pagnin gives a caution against this, *Cave (says he) ne cum plerisque interpretum, utramque vocem confundas;* and for the distinction of them, makes mention of several sorts of *Judges* or *Magistrates* among the *Jews*.

First, זקנים *Seniours* or *Elders*.

Secondly, שופטים *Judges*.

Thirdly, נוגשים *Exactours* (who exacted what the law required).

Fourthly, שוטרים *Prefects* or *Masters*, being the same which is here rendred *Officers*, and is distinguished from *Judges*, because *Judex judicabat, Præfectus exequabatur quod judicatum erat*, the *Judge* passes sentence or determines, the *Officer* puts in execution what is so sentenced or determined.

Item Executores Græcis

ἀγχιτοπες

σὺν δὲ τῶν

κοιτοῦν, Latè

se diffundebat

eorum manus,

ut non tan-

tum ad causas

injudicio deci-

fas spectaret,

sed magistra-

tiis nomine a-

lia populo ini-

miarent, Jos.

1. 10, 11. v.

Crit. M.P.

The *Septuagint* renders it, Κεῖρας ἢ νεαυμῶλο-
εἰσὶν ἡγεῖται τοῖς δέσποιναις, *Judges* and *Magistrates*
shall thou make thee, with which agrees the *Chaldee*
paraphrase, and *vulgar latine*, but according to the
Syriac version it is, *Judges* and *Scribes*, *Wolphius*
renders it *Apparitores*, *Junius* and *Tremellius*,
Moderatores, some translate it *Decanos*, others *Du-*
ces, *Officiales*, *Ministros Magistratum*, or *Castiga-*
tores; *Apparitors*, *Moderators*, *Officials*, *Captains*,
Leaders, *Virgers*, or *Correctours*, according to the
last

last of which *Paulus Fagius* thus distinguishes them,
 שופטים *sunt Judices, qui determinant causam, si-*
ve judicium, שטרים *sunt qui dominantur populo,*
 & *exequuntur mandata eorum, scilicet Judicum,*
cum virgâ & flagello; their office being much of
 the same nature with that of the *Lictors* among
 the *Romans*, and so rendred *castigatores*, those that
 chastise or correct the people, agreeable with the
 third sort of *Magistrates* among the *Jews* called
 נגשים *Exactours*, to which happily that of the
 Prophet *Isaiah* alludes, *I will make thine Officers* Ifs. 60. 17.
peace, and thine Exactours righteousness.

Or by *Judges* and *Officers* may be distinguished
 the *Supreme Judge* from the rest, either in the great
Council or *Sanhedrim* of the *Jews* consisting of 70 *Godwin l. 7.*
Elders, or 71, or sometimes 72 if the *High Priest* c. 8. Edit.
 were there, in which he that sat chief, in the Lat.
 place of *Moses* was called נשיא *Præfectus*, and
 מופלג *Excellent*; or else in the less *Council* con-
 sisting of 23 which were in the smaller cities, ex-
 cept those that had not 120 men in them, and then
 onely three *Judges* were placed there. Or these
Officers might be those that attended at those
Councils to be taught and instructed in their pro-
 ceedings, (called, תלמידי חכמים scholars of the
 wisemen) like young students at the law that
 come to hear the *Judge's* sentence in doubtfull and
 controverted cases, or as *St. Paul* that sat at the
 feet of *Gamaliel* to be instructed in the law; So
Grotius upon the words, *Ad pedes sedebant discipu-*
li, ut ipso usu jus addicerent, & in morientium aut
 C de-

decrepitorum locum surrogarentur, that so those who sat at their feet to learn the law, might be so skilfull therein that they might at length be made *Heads or Governours*.

Or perhaps these *Officers* were onely those that waited on those *Courts*, as *preco's* or *cryers*, *scribes* or *notaries*; *Aderant* (as the fore-cited Authour adds) *duo scribae, pracones totidem*, &c. of which *scribes* or *notaries*, one stood at the right hand to write the sentence of *absolution*, and what was spoken in defence of the party, and the other at the left hand to write the sentence of *condemnation*, and the objections made against him; to which, *Mat. 25:33.* some think, *Christ* speaking of the last Judgement, had reference, *he shall set the sheep on the right hand, but the goats on the left.*

Or lastly, these *Officers* most probably were those that were in manner of *Sheriffs*, who were present to execute what the *Judge* determined, whence they carried up and down their staves and whips, as the *Consuls* at *Rome* had their rods and axes carried before them, for the more ready execution of justice. To this seems to allude that of Saint *Luke*, *Ch. 12:58.* *When thou goest with thine adversary to the Magistrate, as thou art in the way, give diligence that thou mayest be delivered from him, lest he hale thee to the Judge, and the Judge deliver thee to the officer.*

But however these two may differ as to their kind and dignity, their *subordination* or *dependance* upon each other, yet they agree as to their common

mon aim and end, their design and institution, in promoting justice, and executing Judgement. These are the powers which are ordained of God, and are (as the *Apostle* speaks) his *Ministers* Rom. 13.6. continually attending upon this very thing. The Magistrate's power hath the stamp of divine authority impressed on it, (and that more firmly, than *Phidias's* image was on *Minerva's* statue) and therefore they that resist this power, resist the Ordinance of God; and of such there are a generation in the world, impeaching *Magistracy* with the titles of tyranny and usurpation, and branding all justice with the names of cruelty and oppression; such there were in the *Apostle's* time: Saint *Peter* makes mention of some, who despise government, and are not afraid to speak evil of dignities; and Saint *Jude* of Jude 8. such whom he calls *ἐνυπνιάζοντες*, filthy dreamers, who despise dominion. Such were the *Manichees* of old, who conceived that Magistracy was a constitution of their bad god. Of the like stamp were the *Weigelians* and *Swenkfeldians* of later years; and such 'tis to be feared, if we may guess by their practises, are too many amongst us at this day, whose principles (durst they so far vent themselves) would animate them not onely to pluck the sword of the Spirit, (the word of God) out of the mouths of Ministers, but the sword of Justice too (had it not too sharp an edge for them) out of the hand of the Magistrate, that so their licentiousness might escape the punishment of the latter, as well as the reproof of the former. Thus it was with those

famous (or rather *infamous*) leading rebels, *Corah, Dathan & Abiram*, who set themselves up, not only against *Aaron the Priest*, but against *Moses the Magistrate*, and thought both of them took too much upon them, to lift themselves *above the congregation of the Lord*, and therefore they both envied *Aaron his Priesthood*, and *Moses his Authority*, they would neither hear *Aaron's bells*, nor kiss *Moses's rod*, neither give ear to the *one* nor obedience to the *other*. But let these *spurn* at this authority in their *pride*, or *reject* it in their *folly*, yet it is the *power of God*, and the *ordinance of God*. Governours (says the *Apostle*) are sent by God; this is their commission; *By me Kings reign, and Princes decree justice: By me Princes rule, and Nobles, even all the Judges of the earth*. The Magistrate is, *Œus* *diavolus*, the Minister of God (says Saint Paul) a revenger to execute wrath upon him that doeth evil.

It is the divine authority which makes that justice in the Magistrate, which would be cruelty and murder in another, and who shall tax his obedience to that authority to be criminal or faulty? The divine providence hath not intrusted the Sword of Justice in every private man's hand, if it were so placed, how soon would each man, (like *Cain*) upon any distast sheath it in his Brothers bowels, and make it drunk with the blood of revenge? If every one might be the righter of himself, and revenger of his own wrongs, the world would soon become an *Aceldama*, a field of blood; and

and therefore God, who hath prohibited all private Christians (who are naturally partial in their own causes) to avenge themselves, hath authorized the publick Magistrate with his Commission to be the avenger of wrath, or (as Saint Peter speaks) to be for the punishment of evil doers, and for the praise of them that do well: for this end are Judges and Officers constituted and appointed: Judges and Officers shalt thou make thee, and they shall judge the people; which is the second thing propounded.

2. *Judicii executio*, the execution of Judgement. The original word *שפ* to Judge, signifies both *jus dicere* and *exequi*, to determine what's right, and to execute what's so determined; the first is a decree of Judgement, the second is the execution of that decree; the first is an act of skill or understanding, the second an act of courage and resolution; both which are requisite in him that judges: the act of judging supposes ability and skill in him that undertakes it; hence Judges were anciently called *Cognitores*, and *cognoscere* in approved Authours is as much as to do the office of

Episc. nup.
Linc.

a Judge, as Seneca, *si judicas cognosce*; 'tis a necessary qualification to be able to know the truth, that so in difficult and intricate cases covered with darkness and obscurity, perplexed with windings and turnings, overlaid with cunning and crafty conveyances, they may extricate and find out that which would otherwise be lost in a maze and labyrinth, set free and deliver that truth which otherwise would.

Med. 2. 2.
Ignorantia.
judicis sapè fit
calamitas innocentis.

In animis ho-
minum multa
labebra.

Rom. 13. 4.

v. 3.

Maxima pec-
candi illece-
bra est im-
punitatis spes.

would be shackled and imprisoned; necessary to which is the *examination* of witnesses, and *hearing* evidences, and *considering* allegations, and *weighing* circumstances, and *putting in* cross interrogatories, and *making* queries, and *raising* doubts to overweigh and out-balance the craft and subtilty of those who of purpose involve the truth of things with falsehoods and deceits; all which as they are necessary to a right *determination*, so they are onely subservient to a due *execution*; the other acts are lame and imperfect without this to compleat and finish them. This is that which adds life and strength to the laws, without which, notwithstanding all the other formalities, they would die and languish: by execution the Judge breaths life into them, and is therefore called by the *Philosopher* διακονος εμψυχου, and by some of the *Ancients* νεμω. εμψυχω, the living law; *Execution* of laws is as necessary as the *promulgation*, or *constitution* of them; God hath put a sword into the Magistrate's hand for this end, and he expects he should *not bear it in vain*; not bear it onely for *honour*, or *safety* to himself, but to strike *fear* and *terror* into offenders. *Rulers are not a terror to good works, but for evil*; not to bear it as a badge and ensigne of *authority*, but to draw it out as an instrument of *justice* and *severity*. Where there wants *execution*, there wants not *transgression*, *impunity* encourages to all *iniquity*, not to light *slips* onely, but to gross *enormities*, so that according to the *Rabinical* proverb, לחטאים בית דין צריך להטאים *transgressors need a Session-*

Session-house, the laws suffice not to keep men in due bounds, the Judge must necessarily exert his power to execute the laws; and he that does not this, at the same time both robs the law of that defence which should secure it, and himself of that innocence which should protect him; for he that punishes not those faults which are in offendours, thereby transfers them upon himself; the guilt is devolved upon his head, who by punishing it in some should have prevented it in others. To which purpose is that story of *Lewis King of France*, who being at his devotions, was solicited by a Courtier to pardon a malefactor, that was found guilty of death, the King without any more ado, made a sign with his head, that he granted his suit; but presently after, chancing to read a verse of the 106. Psalm, containing these words, *Blessed are they that keep judgement, and he that doth righteousness at all times*; he bid call him again to whom he had granted the pardon, and disanulled it with this memorable *Apophthegm*, viz. *The Prince that can punish a fault, and doth not punish it, is no less guilty before God, than the offender himself*. According to which was the wise answer of a certain fool or Jester made to a King of the same land, who found fault with a Courtier that had begged pardon of him, saying that this was the third murder he had committed, nay King, quoth the Jester, this suiter hath committed but one of the murders, it is thou that art guilty of the second and third, for if thou hadst not

*In severitate
judicii, sita est
legum autho-
ritas.*

*Qui parcat
malis laedit
bonos. Par-
cendo facit.*

v. 3.

Camerar. p.
398.

not

Camer. p.
400.

“not granted him pardon for the *first*, he had not
“lived to have done any *more*. It was his first par-
don which promised him so much *security*, as en-
couraged him to commit the like *enormity*. Thus
according to that principle in moral policy, an *ill ex-*
ecutour of the laws is worse in a state, than a *great*
transgression of them. It is the non-execution of
laws that is the cause of so frequent breach of them,
for those, the neglects whereof are the severeliest
punished, are the least *violated*, else why are *mur-*
ders and *robberies* (though too oft, yet) more rarely
committed, than those common sins of *drunken-*
ness, *whoredom* and the like, but that the laws are
put in execution against the *former*, but scarce, or
not at all against the *latter*, such a connivence at
misdemeanours makes offendours, and (as the *Roy-*
al Psalmist speaks) *frames mischief by a law*; this
is rather to stifle and suppress the law, than to ex-
ecute it, and to make it partial in its proceedings,
than to *judge according to just judgement*, which is
the *third* thing proposed.

3. *Judicandi modus* the manner of its executi-
on, and that

1. *Positively*, מִשְׁפָּט צֶדֶק *judicio justitiæ*, with
the judgement of justice, *summâ aequitate* (as *Va-*
tablus) or as the *Syriac* version may be rendred,
that he may teach the people the judgement of equity.
That is just or equitable, which is regulated accord-
ing to the law, proportioning punishments to the
nature of the offence, neither giving *more* nor *less*
than that deserves; to punish *less*, gives too much
en-

encouragement to others to offend, to punish more, gives too great cause of complaint of injustice to the offendour, for innocency it self suffers so far as any is punished beyond the demerits of the offence. The *Romans* had their fasces or bundle of rods with an axe in the midst to signify the equity of the Magistrates in punishing some onely with a *rod*, others with an *axe*, the one for petty, the other for capital crimes; and the *Poet* in the Greek *Epigram* taught the silver axe of justice carried before the said *Roman* Magistrates to proclaim,

Ἄν μὲν ἀλιτρώτης πέλεκυν φαέεσσι δοκῶδες,
Ἄν δ' ὁ σποφρονέης, Ἄργυρον εἶμι μέγιον.

*If thou be an offender, I am an axe to punish thee;
but if innocent, I am onely silver not to affright thee.*

When judgement is justly executed, there is no fear of punishment to the *innocent*, nor flattering hopes of escaping justice to the *delinquent*; when *Judgement* is thus laid to the *line*, and *righteousness* to the *plummet*, when every fact is laid to the rule of the law, and sentenced according to its *rectitude*, or *obliquity* to it, when every action is weighed in the balance of justice, and receives sentence according as it is *found wanting*, then the people are judged with *just Judgement*.

*Iustitia ius
suum cuique
tribuit.*

D

This

This is that, which is both the peoples *safety*, and the laws *security*, it is that which both *conveys* and *entails* a blessing upon a *State* or *Nation*; it is both *columna & corona reipublicæ*, a prop to make it firm in *it self*, and a crown to render it glorious in the eyes of *others*; this is that which (as the *Psalmist* speaks) *when the foundations of the earth are out of course, upholds the pillars of it*; it is as the cement in a building to unite and hold together the several parts of it. *Fus & aquitas* (as the *Oratour* phrases it) *sunt vincula civitatum*: it is in the body politick, as joynts and ligaments, as nerves and sinews in the body natural, by this is its strength derived and preserved, for *by righteousness* (according to that of the wise man) *is a nation exalted*, and *by judgement is the Throne established*. Justice and Judgement are such inseparable adjuncts of the Throne and Nations happiness, that they who subvert and undermine the *one*, do thereby necessarily destroy and raze the very basis and foundation of the *other*, and there can be no greater enemies to a *King* or *Kingdom*, than those that by thus doing set themselves against *both*, nor scarce can there be any sadder symptoms of a declining and decaying nation, than when justice is thus *obstructed*, and Judgement is *turned backward*. No wonder therefore that *Moses* the King in *Fesurun*, strengthens his command concerning Judgement, with a threefold caution, that like a threefold cord it might not easily be broken, which is the *Negative* part of the injunction, *Thou shalt not wrest*
Judge-

Remora justitia, quid sunt regna, nisi magna latrocinia.

Judgement, nor respect persons, nor take a gift.
 All which prohibitions were so necessary to be observed in Judgement, that, as *Simeon de Munis* ^{Rabbi de Cozt.} notes from some of the *Rabbins*, when *Solomon* ascended the several steps of his *Throne* (mentioned, 1 *Kings* 10. 19.) there was a *praco* or *herald* appointed to cry when he entred upon the first step לא תשטה משפט *Thou shalt not wrest Judgement*; when he ascended upon the second: לא תכיר פנים *Thou shalt not respect persons*; when he ascended upon the third: לא תקח שחד *Thou shalt not take a gift.*

The first prohibition is,

1. *Thou shalt not wrest Judgement.* The *Septuagint* renders it, καὶ ἀκλινέσθαι κείσιν, *they shall not decline Judgement*; so the *vulgar Latine*, *nec in alteram partem declinent*, לא תצלי ריו (as the *Chaldee* paraphrase) *thou shalt not pervert*, or (according to the *Syriac*) *thou shalt not bend Judgement*, *nec prece, nec precio*, as *Lyra*. *Wrestling* of Judgement is here immediately opposed to *just* judgement, which seeing it is that which proceeds according to the standard of justice, viz. the law, which is the rule of right and wrong, when that rule is *distorted*, then is *Judgement wrested*; And to do this, as it is contrary to the nature of the law, so to the office of those, to whose protection the law is committed. *Judices*, (as one descants on the word) are *juris indices*, they must *jus dicere*, as their name signifies, and *jus dare* too, as their office imports. The *Judge* is the laws interpreter, he

in loc.

Eccl. 3. 16.

must not make it speak, but what it means, to do otherwise is to make it act a part of *Jesuitism*, to declare *one thing*, and by a mental reservation to understand *another*. *Fus* wrested is turned into *vis*, the letters transposed, and justice perverted; the former of which is not so *obvious*, as the latter is *pernicious*, for this does not onely *enervate* and *weaken* the law, but *thwarts* and *crosses* the very end and design of it; it makes it *patronize* that which it chiefly *opposes* and *contradicts*, and under a pretence of *justice*, to do the greater *injustice* more plausibly and securely. This was one of those great evils which *Solomon* saw under the sun, *that in the place of judgement, wickedness was there, and in the place of righteousness that iniquity was there*; This is so much the greater *iniquity*, by how much it shrowds it self more closely under the covert and pretext of *equity*: *simulata equitas, duplex iniquitas*. This is to make the sword of Justice turn its edge, and do *execution* upon those whom it should *protect* and *defend*; it is to make the law instead of being an *hedge* of defence, become as so many *thorns* and *briars* to *rend* those whom it should *preserve*; it is to convert a *medicine* into *poison*, to turn the *rod* into a *serpent*, to make that an *instrument* of *cruelty*, which is the *rule* of *equity*, and is so much the more *intollerable*, by how much it cuts off all the means and methods of *redress*.

Scepters born by *Kings*, and the *Maces* of *Magistrates* are all straight emblems, of that *justice* which

which is held forth by them; *παρδδπικη τις εστιν η*
παρδδδ, the Scepter carrieth a kind of instruction
 with it, the *straightness* thereof should be a me-
 mento to shun *crooked* and *perverted* judgement: he
 that *wrests* the law, *crooks* the Kings Scepter, and
 falsifies that which more lively than his coin, bears
 his *Royal impress* on it; to do thus is to make the
Kings laws (like the *Pope's Canons*) *plumbeas &*
cereas (as one speaks) waxen and leaden laws, to
 bend and bow this way or that, and (by perverting
 them besides or contrary to their genuine sence)
 to make them become guilty of the same solœcism
 with that of the *Canonist*, *Statuimus*, id est, *abro-*
gamus, we command this, *that is*, we do the
 contrary.

And as Judgement is wrested by perverting the
law, so likewise by perverting those *actions* of
 which the law takes cognizance; and this is too
 often done by *Furours* who give in a verdict *be-*
sides or *contrary* to the nature of the fact, or mat-
 ter that's brought before them, as though a
verdict had its name given by an *Antiphrasis*,
 like *Diogenes* his man, *manes à manendo*, be-
 cause he would oft be running away; so a *ver-*
dict from *verum dicere*, because they make it speak
 the contrary.

This is done too by those, whose profession they
 think *obliges*, or at least *allows* them to make the
 best they can of their *Clients*, and the worst of
 their *adversaries* cause, against whom upon some
 plausible pretence they usually run descant at
 plea-

pleasure, perverting what is said or done, either to make their matters *ill* when they are not, or else aggravating them to make them seem *worse* than indeed they are; and thus *nimum altercando*, they are like that *Rhetorician* that could *mirificè res exiguas verbis amplificare*, wonderfully amplify small matters with great words, for which *Agésilas* thought he deserved no more commendation, than the *shoemaker* that made great shoes for little feet: and though these may count it the glory of their profession (as *Protagoras*, and the old Greek *Sophisters* were wont to do) by *dexterity* of wit, and *volubility* of tongue τὸν ἡττω λόγον κρείττω πρῆσι, to make the *worse* side the *better*, yet a good *Orateur* as well as good man (which *Cicero* joyns together, *vir bonus dicendi peritus*) should make use of both the one and the other, to *decry* injustice and *defend* equity, to *protect* innocency and *crush* oppression, to *detect* fraud and *advance* truth, to *succour* the distressed and *help* them to right that suffer wrong. They that make use of their *rhetorick* or *eloquence*, *reasons* or *arguments* for or against any person should not be as the *Roman* Advocates (of whom *St. Bern.* complains, *Hi sunt qui docuerunt linguam suam grandia loqui, &c.* these are they that have taught their tongues to speak lies, nimble-tongued against righteousness, skilfull to defend falshood, wise to do evil, eloquent to oppose the truth) but rather be as *St. Paul*, able to do nothing against, but for the truth.

De Confid. 1.

4. c. 2.

The famous
Oratour Peri-
cles (when
Advocate in
Greece) from
the principles
of nature, ever
before he
pleaded a
cause, entreas-
ed his gods that
not a word
should fall
from him be-
sides his cause.

The

The *second* prohibition is,

2. *Thou shalt not respect persons*; though a civil respect of persons be elsewhere commanded, yet a judicial one is here forbidden; though respect of persons is due in offices of humanity, and overtures of love; yet in the *Gate*, in the seat of *Judicature*, כִּי תִכְרֹךְ פָּנִים Thou shalt not acknowledge; or (as the *Syriac* version) thou shalt not honour faces. The *Septuagint* changes the person, οὐδὲ ὁτι γινώσκουσιν πρόσωπον, they shall not know a face, or person. The *Greeks* usually render it by προσωποληψία, which word non personam significat sed persona attributa, & circumstantias, it is properly verbum forense, & de iudicibus proprie predicatur, as *Zanchy*. Respecting persons is a sin incident to those who are conversant about matters of *judicature* and transactions of law, and ('tis to be feared) is as frequently practised, as 'tis seldom rightly understood; When *Furours* consider not so much the cause, as the persons betwixt whom it is depending, when respect to the latter sways more than equity in the former; when the verdict speaks the language of their affection, not of their judgement, and is the result of their malice or prejudice, not of their knowledge or Conscience. When the authority of the Foreman (whom the rest usually follow as sheep) or the awe of some great person, or interest of some relation, or suggestion from some friend, or consciousness of self-guilt, or hopes of favour in the like case, prevails with any of them, more than the justness and merits of the cause it self.

in Eph. 6. 9.

vir gregis.
qua itur, non
quâ eundum

When

When *witnesses* swear home in *one* man's cause, but nicely or not at all in *another*, because they fear some men's persons, or *bear ill will* to, and *maligne* others, making their *love or hatred* a rule of their evidence, rather than the *obligation* of their oaths, or *sense* of duty.

When an *Advocate* or *pleader* argues the cause of the *indigent faintly* and *coldly*, but that of the *rich* with a great deal of *zeal* and *ardour*; when the *one* is *narrowly* and *strictly* examined, the *other* *slightly* and *perfunctorily* passed over: when all *dilatory* courses are used to *protract* and *delay* the *one*, but all *means* made use of, to *expedite* and *dispatch* the *other*.

When by *him* that passes sentence, a cause is weighed in the balance not of *equity*, but of *favour* and *affection*; when the person commends the *cause*, not the cause the *person*, like that of *Cæsar*, *Causa Cæsaris melior, sed Bruto nil denegare possum*; such a *man's* cause is the better, but the *other* is more my friend, such a *case* is equitable, but another's *person* is more considerable; so that the *respect* and *reverence* which is due to *right* and *equity*, is given to the *rich* and *mighty*, and laws hereby (as *Zealeucus*, or *Anacharsis* complained of old) become like *cobwebs*, wherein the *smaller* flies are *caught*, but *great* ones are not *ensnared* by them; *petty* thieves wear chains of iron, but *grand* robbers chains of gold; manacles and halters *lay hold* on *less* transgressours, whilst the *great* ones *break these bonds asunder*; *small* offenders receive
se-

severe correction, whilst the *great* ones escape unpunished. To prevent which partiality, and respect of persons, the *Areopagites*, the *Athenian* Judges, had their judicatures in some dark rooms, and passed their sentence in the night, that they might not be byassed by prejudice or affection to those upon whom they passed judgement, but that sentence might be given equally upon *all*, *poor* or *rich*, *small* or *great*. In pursuance of which impartiality, *Torquatus* a Roman, and *Zalencus* a Grecian, spared not to sentence even their own sons. Favour must not be shewed by any, onely *μεχελ βασις*, as the *Heathen* speaks, onely to the altar, so far as Religion and piety will admit; and by the Magistrate *μεχελ βινυαλς*, onely to the Judgement seat, so far as Justice (which confines affection) will give leave. *Exuat* (says the *Oratour*) *personam Fudicis, qui induit amici*, which likewise was the apophthegme of *Pericles* an eminent Judge and Chieftain in *Athens*, that when he put on him the person of a Judge, he put off the person of a friend: the affection of a friend suits not the function of a Judge; hence was that renowned act of *Brutus*, who condemned his two sons to be executed for conspiring with *Tarquin's* Embassadors against the Common wealth, sacrificing their lives for the preservation of that justice which was more dear unto him, so exactly was he observant of what's here prohibited, *not to respect persons*.

The last prohibition is,

3. Thou shalt not take a gift. *Omnia venalia*, the

E

com-

complaint of old, that all things are set to sale, grows yet but slowly out of date, being still too much verified amongst us, whilst scarce any office or place is to be had without *Judas* his question, *what will ye give?* We have not onely of old had the Pope's ridiculous merchandise, *sale of pardons*; and of late the Poet's *venales manus*, sale hands, or mercenary souldiers; and still sale Churches, by those who are rather the *Plagues*, than *Patrons* thereof, selling their own and the people's souls for *Balaam's* reward; but *venalem Justitiam*, sale justice, (or rather *injustice* under that name) by those that are *δωροφάγοι*, or *δωροβόροι*, enhansers of fees, bribe-eaters or ravenous devourers of gifts, who hasten to the Tribunal as *Dramoclidas* & *Stratocles* in the Historian, *tanquam ad messem auream*, as to a golden harvest, hoping for such *Clients* that shall come to them, as *Jupiter* came into *Danae's* lap, *per impluvium* in a shower of gold, after which they have a constant thirst continually crying out with the greedy daughters of the *Horsleeche*, *give, give.*

Heluones patria, & pecunia.

Sicut hydropicus, Quod plus sunt pota, plus sitiuntur aqua. Non missura eusem, nisi plena cyvotis hircundo.

This is a sin which hath both *multitude* of offenders to plead for it, and the *greatness* of the delinquents to grace and countenance it; insomuch as it is made a note of a generous and heroick mind to receive *great gifts*, and not stoop unto any mean or *sordid prey*; and it's counted a badge of folly, and sortish stupidity to be *bashfull* in exacting bribes, when the party is *backward* in tendring of them;
few

few being of *Epaminondas* his resolution, who (though poor, yet) refused great presents sent to him, saying, If the thing were good, he would do it without any bribe, because good; if not honest, he would not do it for all the goods in the world. Of the like mind was *Phocion*, to whom an hundred talents being brought as a gift from *Alexander*, he demanded of the messenger, wherefore 'twas sent to him, rather than to any other of the *Athenians*, and upon this answer returned, because he knew him to be an honest and just man, then, said he, I would entreat your master, that he would suffer me to continue in my honesty and justice; implying, that he could not possibly be such an one, if he suffered himself to be corrupted with rewards; which when they are entertained, the receivers of them are so far animated, as they will adventure upon any villany, suborn witnesses, distort justice, oppress the innocent, devour widows and orphans, betray their friends, enervate God's laws, and the King's, violate equity and conscience, and whatsoever is, or should be dearest to them.

— *Quid non mortalia pectora cogit
Auri sacra fames.* —

These and many more are the mischiefs that are effected by the unsatiable thirst after that, which (as the Apostle speaks) is the root of all evil: all the other corruptions of justice are small and inconsiderable, if compared with this. This is more dan-

Neque in mala causa neque in bona fieri debet, de mala vix quisquam dubitat. Qui autem bonum habet causam, et sibi injuriam facit et judici, si minus offerat.
Rivet. in Exod. c. 23.

Non hospes ab hospite tutus, non socer à genero, fratrum quoque gratia rara est, &c. Lucrum in arca damnum in conscientia.

Ed etiam sacra illa fames nonnullos adigit, ut patria preditores fiant, ut Philippus Macedo non tam armis quam auro libertatem Græciæ expugnavit. Diffidit urbium portas vir Macedo, et subruit muros Reges muneribus: munera navium Savos illaqueant duces. Horat. l. 3.

gerous in its enterprises, more *successfull* in its event, more *pernicious* in its practises, more *bewitching* in its allurements, more *secret* in its workings, and more *universal* in its infection, than all the other *interceptors* of justice and judgement; and therefore whereas they are mentioned with a *single* prohibition, this is urged with a *double* enforcement, for

First, *It blinds the eyes of the wise.*

Secondly, *It perverts the words of the righteous.*

Crescit peccandi libido, uti redimendi spes datur; & facile ad culpam irur, ubi venialis est innocentium gravia.

Ecclus 20. 29.

Ut lancee in eam partem vergunt in qua plus ponderis, ita magistratus in eam, in qua plus artis.

Cambyfes Persarum Rex Se famen unum ex Judicibus, quod injuste

1. *It blinds the eyes of the wise*: A sword is put into the Magistrate's hand, but a *bribe* turns the edge thereof; though the *law* bids strike, yet a *gift* stays the hand; when the *law* should give sentence, if there be *bos in lingua*, it stops its mouth; so the wise son of *Sirach*, Presents and gifts blind the eyes of the wise, and stop up his mouth that he cannot reprove. *Wresting* of Judgement distorts and draws the eyes aside, and *favour* makes them pore-blind, but *gifts* quite blind, and put them out. The *Ancients* painted justice, *peplo oculis obducto*, with a veil drawn over her eyes to signify that no partiality by *bribes*, or other means should be admitted in the administration of justice; and the *Statues* of the Judges in *Egypt* were without hands, and with their eye lids closed, against those two solœcisms, *respecting persons*, and *taking gifts*: so also the Judges *Oath* in *Athens* protested against both, with imprecation and wish of destruction to himself, and his house, if he transgressed in

in either, to prevent both which was *Jethro's* direction to *Moses*, to choose out for Judges those that were men fearing God, and hating covetousness; fearing God, that they might not respect the persons of men, and hating covetousness, that they might not receive a gift, which as it does blind the eyes of the wise, so

ob pecuniam judicasset, intervenit. Et in terempto delictum in lora confidit, quibus tribunal in quo deinceps sedens judicaret, oper-

rnis, itaque si filium ejus Otanem sedere judicem praecepit, atque in memoria habere ex quo tribunali judicaret.

The Kings of England also when they put the sword of Justice into the Judges hand, speak the same words in effect, and the Judges solemnly protest and swear, that they will use the same sword indifferently between the King and the subject. So it was the saying of *Trajan* the Emperour, *Hunc sibi trado gladium, ut pro me utaris cum justa facio, contra me vero utaris si injusta facio.* And the Egyptian Kings presented this Oath to their Judges, not to swerve from their consciences though they should receive a command from themselves to the contrary.

Secondly, *It perverts the words of the righteous, verba innocentium, or justorum* (as some) *causas justas* (as others) *verba recta* פְּרִנְמִין תְּרִי צִי (as the *Chaldee* paraphrase) right words, or the words of those that would seem to be, or are, or should be righteous.

It perverts the words of him whose tongue is hired to speak what another pleases; of the *Pleader* that shall argue indifferently for right or wrong, as his fee emboldens him; that shall palliate and smooth over any cause, though he speaks against his own and the judgement of the law, which is *venalis Advocatorum perfidia*; (as was sometimes said of the *Roman* Advocates) such being like the *Oracle of Delphos*, whereof *Demosthenes* complained in his time, that it did speak nothing, but what

Justus Advocatus à nullo injustas causas accipit.

Philip

Philip would have it, who had given a double fee.

It *perverts the words of the Favourites*, who often weigh out their *sentence* proportionable to the *gift* that's received, with whom the *greatest evidence* often times is not half so convincing as a *secret gift*; a *bribe* shall be more *perswasive* than all the *evidentest testimony* that can be brought; their *mouths* will be open for him, whose *hand* is so towards them, and that cause shall be *best*, which brings the *best reward* with it; *Ibi fas est, ubi maxima merces.*

Lastly, It *perverts the words of the witnesses*, who will *swear* or *for swear* at what rate his *briber* will have him, who regards not so much what *Oath*, as what *gift* he hath taken, for which either *Naboth's* blasphemy, or *Susannah's* adultery shall be attested, though neither the *one* was spoken, nor the *other* done; like *knights of the post* that make a *jest* and sport of an *Oath*, a play and pastime of a *deposition*, that will exchange a testimony (which is *verborum munus* as some paraphrase upon the words) with a brother of the same fraternity, as they used to do in *Greece*, δάεισόν μοι μαρτυρεῖον, swear for me to day, I'll do as much for thee to morrow.

Thus they justify the *wicked* for reward, and condemn the *innocent* without offence; they invert the nature and order of justice and equity, they make a *sinner just*, and a *just man a sinner*, they take away (as the Prophet speaks) the *righteousness of the righteous man from him*, not considering that God shall come in vengeance as a *swift witness* against them; that *fire shall consume the tabernacles* of

Loquente au-
ro, nil pollet
quævis oratio.

Qui iuramen-
tum à malo
viro postulas,
insanis.

improborum
iuramentum
in aquâ scribe.

Hodie mihi,
cras tibi.

Isa. 5. 23.

Mal 3. 5.

Job 15. 34.

of bribery, and that the habitations of such men shall be desolate.

And now seeing there are so many corruptions of *Judgement*, and so many hands through which justice must necessarily pass, every one of which are ready to receive gifts, and thereby to respect persons, and so to wrest *Judgement* (the latter of which So. Prov. 17. 23. *Solomon* makes the consequent of the former, *A wicked man taketh a gift out of the bosom to pervert the ways of Judgement*) it is no wonder if a good cause hath not always the happiness to succeed well, nor is seconded with an event proportionable to its equity. If thou seest (says the same *Solomon*) the oppression of the poor, and violent perverting of judgement and justice in a province, marvel not at the matter; but yet as it follows there, he that is higher than the highest regardeth, and there be higher than they. Eccl. 5. 8.

Wherefore let all that have any hand in the administration of justice, consider (as the *Psalmist* speaks) that God standeth in the Congregation of the mighty, and that he judgeth among the Gods; let them bear in mind that great account they must ere long make unto him, and remember that a day is coming, wherein all (both small and great) must appear before the *Judgement seat of Christ*, and with what judgement they here judge others, themselves must then be judged, and with what measure they mete to others, it shall then be measured to them again. Mat. 7. 2.

And if the consideration of that future *Judgement* will not deter men from acting injustice, the im-

Psal. 82. 1.
Μέμνησο τῶ
θεῶ, καὶ ἐκ
ἀμαρτίας
ποτέ.
Epist. ad He-
ron. sub nom.
Ignat.

2 Cor. 5. 10.

Job 29. 17.

Chap. 1. 16.

2 Chr. 19. 6.
7.

immediate address, next under *God*, must be to your *Lordship's* wisdom, and integrity, to regulate and over-rule, and by *present judgement* to correct and punish such offenders, that so the obstacles of justice being removed, *Judgement may run down as waters, and righteousness as a mighty stream*; that the *jaws of the wicked* (as *Job* speaks) being broken, and the *spoil plucked out of their teeth*; the *ear that hears you, may bless you, and the eye that sees you may give witness to you*. I shall end all with *Moses's* charge to the Judges; *Hear the causes between your Brethren, and judge righteously between every man and his brother, and the stranger that is with him, you shall not respect persons in judgment but you shall hear the small, as well as the great, you shall not be afraid of the face of man, for the judgement is God's; or with that charge of famous Jehoshaphat, as parallel to the text, Take heed what you do, for you judge not for man, but for the Lord, who is with you in the judgement. Wherefore let the fear of the Lord be upon you, take heed, and do it, for there is no iniquity with the Lord our God, nor respect of persons, nor taking of gifts.*


 FINIS.

